

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JIMMIE LEE JONES, JR.,

Petitioner,

v.

DOUG WADDINGTON,

Respondent.

Case No. C05-1766-JCC-JPD

ORDER DISMISSING § 2254
PETITION WITHOUT PREJUDICE

The Court, having reviewed petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 petition, the Report and Recommendation of the Honorable James P. Donohue, United States Magistrate Judge, and the balance of the record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) Petitioner's § 2254 petition is DISMISSED without prejudice. Petitioner's application for leave to proceed *in forma pauperis* (Dkt. #1) is DENIED as moot.
- (3) The Clerk is directed to send a copy of this Order to petitioner and to Judge Donohue.

DATED this 21st day of December, 2005.



John C. Coughenour
United States District Judge